

REMARKS

Applicant respectfully requests reconsideration of the present application.

Claims 1-8 are presently pending.

Rejections under 35 U.S.C. § 112, first paragraph

Enablement

The Examiner continues to reject claims 1 – 3 and 5 – 8 as not being enabled for one skilled in the art to make and/or use the invention by any other method than for plants derived from the deposited material and methods using the same.

The first paragraph of 35 USC §112 states:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Applicant provides a method for producing multiflorescent African violets which previous traditional breeding techniques failed to produce. Any person skilled in the art could follow the steps as disclosed in the application using deposited seed as a source of genes to reproduce the plants. Applicants are not required to provide every possible method for reproducing the multiflorescent African violet, rather Applicants direct claims to a specific method comprising the steps of crossing, as the male or female parent, a first African violet plant that has at least one leaf axil with more than one flower stem, with a second African violet plant having a second desirable trait but only 1 flower stem on any leaf axil, and selecting progeny that have at least one leaf axil with more than one flower stem and the second desirable trait.

Written Description

The Examiner continues to reject claims 1-3 and 7 as containing subject matter which was not described in the specification in such a way to reasonably convey to a skilled person at the time of filing the present invention that applicant had possession of the present invention. These claims are directed to any viable African Violet plants or seeds that produce a plant that possesses at least one axil that produces more than one flower stem. The Examiner considers that the disclosed embodiments are not representative of the enormous number of products claimed.

Applicant respectfully traverses the rejection. As previously argued, Applicant asserts that the specification does provide, in the Examples and Figures, an adequate written description showing possession of the invention by applicant. The specification describes crossing 'SB-4-2 Muflo' to diverse African Violet plants to introgress the multiflorescence trait into diverse genetic backgrounds.

Allowable Subject Matter

Claim 4 is objected to as dependent upon a rejected base claim and the Examiner states that if the claim is written in independent form with all the limitations of the base claim and intervening claims that it would be allowable. It is requested that the objection be withdrawn.

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5483
Facsimile: (202) 672-5399

By Richard C. Peet

Richard C. Peet
Attorney for Applicant
Registration No. 35,792